Annual Report

of

The Commissioner of Members' Interests

1993-94

APRIL 25, 1994

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NEWFOUNDLAND AND LABRADOR

ANNUAL REPORT

OF

THE COMMISSIONER OF MEMBERS' INTERESTS

1993-94

APRIL 25, 1994

HOUSE OF ASSEMBLY
NEWFOUNDLAND AND LABRADOR

COMMISSIONER OF MEMBERS' INTERESTS
37 Hallett Crescent, O'Leary Industrial Park
St. John's, Nfld., Canada, A1B 4C4
Telephone: (709) 729-0712 Facsimile: (709) 729-0679

April 25th, 1994

Honourable Paul Dicks, Q.C.,
Speaker of the House of Assembly
Main Floor, East Block
Confederation Building
St. John's, Newfoundland
A1B 4J6

Dear Speaker:

I have the pleasure to present the Annual Report of the Commissioner of Members' Interests for 1993-94.

This Report has been prepared pursuant to Section 35 of the House of Assembly (Amendment) Act, Chapter 1, 1993 that was proclaimed into force on June 1, 1993. It covers the activities of the Office of Commissioner of Members' Interests for the ten month period from the date of proclamation until March 31, 1994.

I respectfully request that you present this Annual Report in the current sitting of the House of Assembly, as stipulated in the legislation.

Yours sincerely,

D. Wayne Mitchell
Commissioner

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Summary of Activities in 1993-94

PASSAGE OF CONFLICT OF INTEREST LEGISLATION FOR M.H.A.'S

There have been a number of reforms introduced into various Legislature functions in the Province of Newfoundland throughout the 1990's including the passage of a new Auditor General Act and a new Elections Act. Legislature reform continued in 1991 with the introduction of Part II - Conflict of Interest into the House of Assembly Act. This was one of the first pieces of legislation dealt with in the Forty-Second General Assembly after the May 3, 1993 Provincial Election.

PARTICIPATION IN THE CONFLICT OF INTEREST NETWORK FOR CANADA

The statutory application of conflict of interest standards to all Members of the House of Assembly, Ministers of the Crown and their families places this Province in a similar position to most other jurisdictions in Canada. In fact, the Commissioners charged with administering conflict of interest provisions at the Provincial and Federal levels have formed a network for the exchange of ideas and sharing of information in the field of Governmental ethics law. The assistance of Commissioners and staff in Ontario, Alberta and British Columbia as well as the Office of Assistant Deputy Registrar General of Canada was invaluable during the initial set up of the Office of Commissioner of Members' Interests for Newfoundland and Labrador.

INITIAL DISCLOSURE OF PRIVATE INTERESTS AUGUST 30, 1993

The proclamation of Part II - Conflict of Interest on June 1, 1993 required all Members of the House of Assembly to make initial disclosure of their private interests by August 30, 1993. In order to meet this tight time-frame, Mr. Alphonsus Faour of the Executive Council and Mr. Chris Curran of the Department of Justice spent considerable effort in canvassing other jurisdictions on their disclosure requirements and designing forms pursuant to Sections 36 and 53 of the House of Assembly (Amendment) Act for initial filing by Members and their families. The first Conflict of Interest Private Disclosure Forms were gazetted under Newfoundland Regulation 146/93 on July 9, 1993.

Members were notified of their obligations under the House of Assembly (Amendment) Act through correspondence forwarded by me immediately after the legislation was proclaimed. I distributed the Forms for initial disclosure in early July for completion and return to me by August 30, 1993. All Members of the House of Assembly filed their initial disclosure of private interests by this deadline.

The Members of the House of Assembly have provided a full statement of their own private interests and co-operated in supplying information required by the Commissioner under Section 36 of the Act. These disclosures also include a full statement of Members' family private interests except for the spouse of one Opposition Member. In this case, spousal private interests are partially reported to the best of the

Member's knowledge as the spouse refuses to make full disclosure and especially supply financial statements.

The potential impact of spousal business interests on one Member's public duties has been the subject of a number of discussions throughout the year. In view of the mutual recognition of potential difficulties, there is a reasonable expectation that satisfactory arrangements will be finalized shortly.

RELEASE OF PUBLIC DISCLOSURE STATEMENTS

The process of reviewing the initial disclosure forms of each Member and meeting with all fifty-two M.H.A.'s became protracted because of the demands I faced throughout 1993-94 in serving dual roles as Chief Electoral Officer and Commissioner of Members' Interests. It was, therefore, necessary for me to undertake the evaluation of Members' compliance according to the prioritized potential for conflict.

Consequently, Public Disclosure Statements were completed for all Cabinet Members in November 1993. All Government Members' Statements were finalized in December 1993. All Opposition Members' Statements were concluded in March 1994. These Statements are available for public inspection at the Office of the Commissioner of Members' Interests, 37 Hallett Crescent, O'Leary Industrial Park, St. John's.

DECISIONS ON POST EMPLOYMENT OF FORMER MINISTERS

There were a number of requests made throughout the year for me to consider post employment circumstances of former Ministers pursuant to Sections 30 and 31 as follows:

- A waiver was granted in one situation for a former Minister to receive a consultant contract from Government in a field where the individual had considerable experience prior to being elected. The rationale for this waiver is a matter of public record and is reproduced in Appendix A.
- A waiver was granted in another situation for a former Minister, who was successful in a publically advertised competition conducted through the Public Service Commission, to accept an employment contract in the public service. The rationale for this waiver is a matter of public record and is reproduced in Appendix B.
- Requests from former Ministers to be applicants for publically advertised positions in the public service did not fit within any of the legislative parameters contemplated for a waiver determination.
- Requests from former Ministers to work with private companies that may deal with the Provincial Government, as one of a number of interested parties, on particular proposals did not fit within any of the legislative parameters contemplated for a waiver determination.

COMMISSIONER OPINION ON LEADER OF OPPOSITION REFERRAL

A formal request was made by the Leader of the Opposition on November 19, 1993 for an inquiry under Section 42(1) into possible conflict of interest of Cabinet Ministers participating in decisions on the sale of Newfoundland and Labrador Hydro Corporation to Fortis Inc., a private company in which certain Ministers hold interests. My response dated November 29, 1993 offered clarification of private interests disclosure but concluded there were insufficient grounds to initiate an inquiry as contemplated under the legislation. This decision is a matter of public record and is reproduced in Appendix C.

COMMISSIONER INITIATED INQUIRY

There was only one instance throughout the year where I initiated independent action pursuant to Section 42(2) to determine whether a Member fulfilled Section 26 obligations of reporting gifts and benefits. The Member in question co-operated in providing additional information. Based on the material available to me, I concluded there was no basis to take further action.

LIAISON WITH MEMBERS

Various Members sought advice from me throughout the year on matters pertaining to disclosure of private interests for themselves and families as well as compliance obligations. This on-going interaction with the Commissioner is a positive sign of respect by Members for adherence to ethical legislative parameters.

PUBLIC ACCESS

There were relatively few enquiries from the public directed to the Office of Commissioner of Members' Interests in 1993-94.

A public register is maintained at the Office of Commissioner on 37 Hallett Crescent, O'Leary Industrial Park, St. John's which is open for public inspection during normal business hours. This register contains the Public Disclosure Statements of all Members as well as copies of Commissioner decisions that deal with public interest matters not subject to the privileged classification under the Act.

In a further effort to facilitate understanding of the conflict of interest legislation that applies to Members of the House of Assembly, I prepared a Brochure in November 1993 which provides an overview of the Act. This Brochure is reproduced in Appendix D.

ANNUAL DISCLOSURE OF PRIVATE INTERESTS MARCH 31, 1994

Once the initial disclosure of private interests for 1993-94 was completed, I redesigned the forms to provide a more simplified format for Members to disclose private interests. These new Private Interests Disclosure Forms were gazetted under Newfoundland Regulation 44/94 dated March 11, 1994 and are reproduced in Appendix E.

The 1994-95 Annual Disclosure Forms were due to be filed by March 31, 1994. All Members met this deadline with the exception of the Member for Port De Grave who filed on April 13, 1994.

COMMISSIONER RESOURCING

I devoted approximately fourteen weeks in 1993-94 to Commissioner duties. This effort was interspersed with significant commitments as Chief Electoral Officer such that I felt obliged to write the Speaker on December 15, 1993 to state my concerns over the extent to which both statutory roles were being met. Subsequently, the Internal Economy Commission approved additional administrative support and professional assistance for the Commissioner function. It is hoped this additional resourcing will make the task more manageable in 1994-95.

The budget for the Office of Commissioner of Members' Interests in 1994-95 is presented in Appendix F.

ACKNOWLEDGEMENTS

The implementation of the new Conflict of Interest regime required considerable developmental effort throughout 1993-94. To this end, the efforts of Mr. Alphonsus Faour and Mr. Chris Curran have already been mentioned.

I would also like to acknowledge the assistance of my Commissioner Colleagues elsewhere in the Country who gave insightful counsel on precedents and decision making principles under their respective mandates.

I extend special thanks to Mr. Michael Harrington, Q.C., of Stewart, McKelvey, Stirling, Scales Law Firm in St. John's for his prompt and sound advice as Legal Counsel on a variety of conflict of interest issues in the first year of operation.

I commend the staff of the Electoral Office who willingly accepted increased delegation of electoral projects so I could attend to Commissioner duties.

Issues for Consideration by the Legislature

INTRODUCTION

During the course of the year a number of issues emerged where current legislation is inadequate or ambiguous to cover specific situations. These are summarized in this Annual Report so that Legislators may determine whether amendments are necessary.

SECTION 30(2) - WAIVER EXEMPTION FOR PUBLIC COMPETITIONS

The requirement under Section 30 for a Government Department or Crown Agency to obtain a waiver from the Commissioner before granting contracts to former Ministers, within one year of their leaving office, excludes contracts awarded by public tender. In the situation of a former Minister's solicitor contract with the Department of Justice, it was determined that the public tender reference was not broad enough to encompass a public competition. Therefore, the public interest of a waiver had to be addressed. **The Legislature may wish to consider whether employment contracts offered through public competitions conducted by the Public Service Commission should be explicitly referenced together with public tender as exclusions from a waiver under Section 30 (2).**

SECTION 31 - APPLICATION FOR WAIVER FROM GRANTING ENTITY

Section 31 only requires a former Minister to make application for a waiver to obtain contracts or benefits from Government or a Crown Agency within one year of leaving office. Meanwhile, Section 30 contemplates a waiver from the Commissioner for both the Department or Agency to make an award and the former Minister to receive the contract or benefit.

This anomaly was noticed in the waiver determination for a former Minister to receive an Occupational Health and Safety consulting contract from the Minister of Employment and Labour Relations. In this instance, the public interest served by a waiver was addressed both from the perspective of the granting authority as well as the recipient. **The Legislature may wish to consider clarifying the requirement for a dual waiver under Section 31.**

SECTIONS 30 AND 31 - POST EMPLOYMENT PROVISIONS

It is worthy of mention that the Conflict of Interest Legislation in this Province applies a higher standard of scrutiny over former Ministers' employment in the Provincial public sector than elsewhere in the Country. The Commissioner in Newfoundland and Labrador must make a waiver determination on the basis of the public interest whereas former Ministers' public sector employment in other jurisdictions does not fall under the purview of the respective Commissioners.

The Commissioner mandate to review the post employment circumstances of former Ministers helps to ensure there is a reasonable balance between the public interest in competent appointments to the Newfoundland Public Service and the private interests of former public office holders to seek work with a major employer in the Newfoundland economy. **This should continue unless the Legislature determines otherwise.**

SECTION 34 - APPOINTMENT OF COMMISSIONER

The appointment of Commissioner of Members' Interests is made pursuant to Resolution of the House of Assembly on motion of the Premier following consultation with representatives of all Parties in the House. It naturally follows that the Commissioner must continue to have the confidence of the Legislature in order to effectively perform the duties of the Office.

During 1993-94 questions were raised about the appropriateness of one individual serving in the dual capacities as Chief Electoral Officer and also Commissioner of Members' Interests for the Province. While I see no incongruity in discharging both statutory mandates, I am concerned that any Party with whom I must interact on an on-going basis may have a different perception.

It is important for me to be assured of continuing support of the Legislators who supported the May 27, 1993 Resolution on my appointment as Commissioner of Members' Interests. **I commend this matter to the Legislature in the event there are any unresolved perception problems with me serving in two statutory posts with the House of Assembly.**

SECTION 36 - SUBMISSION OF AUDITED FINANCIAL STATEMENTS

The legislation provides for audited financial statements of companies in which the Member and/or family hold 10% or more interest to be supplied as part of the private interests disclosure. In the majority of cases where Members and families have business holdings, audited statements are not available but other forms of financial reports are prepared.

I understand that unaudited financial reports are generally accepted for various purposes such as filing of income tax returns. Therefore, I have chosen to accept such reports for purposes of Members' initial disclosure rather than impose a costly burden to have audited statements prepared that are not necessary in the normal course of business. **The Legislature should consider amending Section 36 to give flexibility to accept commonly accepted financial reports where audited financial statements are not available.**

SECTION 36(3) - FULL DISCLOSURE OF SPOUSAL PRIVATE INTERESTS

The Act contemplates full disclosure of the private interests of the Member's family. This has been followed by 51 Members of the House of Assembly in their initial and annual filings.

The lone exception is partial reporting for the spouse of the Member for Humber East. The Member for Humber East has stated that the interests disclosed are to the best of the Member's knowledge and that the spouse refuses to make further disclosure and especially to provide financial statements of companies where more than a 10% interest is held.

The compliance of the Member for Humber East with the disclosure obligations under the legislation is open to interpretation given the Section 36(2)(c) onus to disclose family interests "to the best of the Member's knowledge, information and belief" and the requirement of Section 36(3) to make "a full statement of private interests of the Member's family". I am concerned, however, that such partial reporting of spousal interests may risk the integrity of the legislation and weaken the support evident from all other Members in making spousal disclosure. **For these reasons, I feel the Legislature must deal with the incomplete disclosure by the Member for Humber East both for the initial filing in August, 1993 and annual filing in March, 1994.**

SECTION 37(3) - QUALIFICATION OF PRIVATE INTEREST VALUES

The Commissioner has the discretion to identify values of private interests in the Public Disclosure Statement by "nominal" "significant" or "controlling" but no parameters for these categories have been established. The only reference to value in the legislation is in Section 20(a) where assets, liabilities or financial interests below $10,000 are defined as excluded private interests.

A workable threshold for "nominal" would be $10,000 to $35,000 given the fact that only values over $10,000 are to be publically disclosed and $35,000 represents the median family income in Newfoundland. Meanwhile, values over $35,000 to $100,000 may be viewed as "significant". This leaves values beyond $100,000 to be qualified as "substantial". **These will be the threshold values for reporting in future Public Disclosure Statements, where it is in the public interest to do so, unless the Legislature determines otherwise.**

PRIVILEGED CLASSIFICATION OF DISCLOSED PRIVATE INTERESTS

Section 36(5) of the Act refers to all private interests disclosed by the Member and family as privileged except to the extent necessary to ensure compliance with the Conflict of Interest Part of the House of Assembly Act. Meanwhile, Section 41 appears to diminish this general privilege by obliging me to tender documents in Criminal Code proceedings. **It is therefore advisable for the Legislature to clarify its intention in these matters.**

REAL VERSUS PERCEIVED CONFLICT OF INTEREST

The legislation governing the conduct of elected Members of the House of Assembly in this Province requires the Commissioner to address real situations of conflict between Members' public duties and the private interests of themselves or their families. Indeed no other jurisdiction in Canada deals with perceived conflict of interest except British Columbia where there is a definition in the Statute of "apparent conflict of interest".

The House of Assembly Act sets out basic standards of behaviour for Members relating to:

- official decision making under Section 21;
- insider information under Section 23;
- acceptance of fees, gifts or personal benefits under Section 26;
- outside employment under Section 27;
- sale of interests for the purpose of evading conflict of interest under Section 28;
- influence of plans or offers for future employment under Section 29;
- award of contracts or benefits to former Ministers under Section 30;
- receiving Government contracts under Section 32; and
- disclosure of Member and family private interests under Section 36.

The legislation only mandates me to make an objective determination of Members' actions in relation to these standards. While I may make suggestions from time to time to enhance public perception of ethical activities by elected officials, it is up to the Members themselves to ensure their actions withstand public scrutiny. Indeed, it is encouraging to note that there have been instances where Members have imposed a higher standard on themselves and their families than are literally contained in the legislation.

APPENDIX A

FORMER MINISTER CONSULTANT CONTRACT WAIVER

August 23, 1993

Newfoundland & Labrador

OFFICE
OF
THE CHIEF ELECTORAL OFFICER

37 Hallett Crescent
O'Leary Industrial Park
St. John's, Nfld., A1B 4C4
Telephone: (709) 729-0713
Fax: (709) 729-0679

August 23, 1993.

Mr. William Hogan
P.O. Box 234
Dunville, Newfoundland
A0B 1S0

Dear Mr. Hogan:

I refer to your letter dated August 5, 1993, requesting an exemption under Section 31 of the House of Assembly (Amendment) Act to allow you, as a former Minister, to accept an occupational health and safety consulting contract from the Minister of Employment and Labour Relations. It is my understanding that this offer will have a specific contract term and will not be a permanent position.

Legislation in other Provinces on conflict of interest for elected officials expressly excludes former Ministers receiving subsequent appointments or contracts in the service of the Crown from any scrutiny by other provincial conflict of interest commissioners. However, Newfoundland legislation does require greater scrutiny over potential benefits, contracts or appointments which may be proposed for former Ministers.

Section 31 requires an application to be made to this office for a waiver or a variance of a prohibition contained in Section 30.

Section 30(1)(a) expressly prohibits the Minister of Employment and Labour Relations in the absence of a waiver or variance granted by me under Section 31 from knowingly awarding to or approving a contract with you as a former Minister for a period of one (1) year from the date that you ceased to be a Minister.

Section 30(3)(a) and (c) clearly outlines prohibitions against former Ministers securing benefits or contracts except in circumstances where the proposed employment or contract or benefit is with departments or agencies that the former Minister did not have significant official dealings during the last year of service in that office.

...../2

I am satisfied that the proposed consulting contract in the area of occupational health and safety being proposed by the Minister of Employment and Labour Relations has no apparent functional connection with your former responsibility as Minister of Municipal and Provincial Affairs. There is also no indication that you had substantial personal involvement in occupational health and safety matters as the former Minister of another department. It would, therefore, appear that the circumstances of the proposed contract do not fit within any of the prohibitions applying to the former Ministers contained in Section 30(3) of the House of Assembly (Amendment) Act.

I am still faced with the prohibition applicable to the current Minister of Employment and Labour Relations under Section 30(1) of that same Act which, therefore requires me to still consider the appropriateness of granting a waiver or a variance under Section 31. This appears to be the intent of Section 30(1) of the Act although Section 31 only contemplates applications for waivers or variances from former Ministers.

Section 31 permits me to grant a waiver where, in my opinion, the public interest would be served by so doing while taking into account the public interest in attracting capable and qualified individuals to public office.

The record shows that you had, in your pre-political work experience, considerable involvement with occupational health and safety matters in the private sector. It would, therefore, appear that you are able to bring considerable experience to the requirements of the consulting position being proposed by the Minister of Employment and Labour Relations. In these circumstances, it would appear that the public interest would be served by permitting the Department of Employment and Labour Relations to avail of your services on a non-permanent contract basis for the projects contemplated in the Minister's submission to this office. To refuse to grant the waiver would in my view in this case be an unfair penalty upon a person who had served in public office and now could be prohibited from using work experience gained prior to holding elected office to secure gainful employment.

A further reason for favourable consideration of the request for a waiver is the fact that Section 30(3)(a) clearly contemplates that there should be no bar upon a former Minister receiving employment or a contract where the former Minister had no significant dealings with that department or agency or board of directors during the last year of service in that office. Your obvious lack of significant dealings with the Department of Employment and Labour Relations is, therefore, an important factor in my decision.

...../3

For the reasons given above I am granting a waiver contemplated by Section 31 permitting the proposed contract.

Yours sincerely,

D. Wayne Mitchell
Commissioner

cc. Minister of Employment & Labour Relations

cc Public Access File

APPENDIX B

FORMER MINISTER EMPLOYMENT CONTRACT WAIVER

September 24, 1993

Newfoundland & Labrador

OFFICE
OF
THE CHIEF ELECTORAL OFFICER

37 Hallett Crescent
O'Leary Industrial Park
St. John's, Nfld., A1B 4C4
Telephone: (709) 729-0712
Fax: (709) 729-0679

September 24th, 1993

Mr. Aubrey Gover
P.O. Box 9862
Station B
St. John's, Nfld.
A1A 4L4

Dear Mr. Gover:

I refer to your letter dated September 15th, 1993 requesting a waiver under Section 31 of the House of Assembly (Amendment) Act to allow you, as a former Minister, to accept a contract offer of Civil Solicitor from the Director of the Civil Law Division, Department of Justice.

Newfoundland legislation on post-employment by former Ministers requires greater scrutiny compared to conflict legislation in other provinces where subsequent appointment of former Ministers in the service of the Crown is not subject to prohibitions. In making a determination in this matter, I must, therefore, be guided by the provisions of Section 30(3) of the House of Assembly (Amendment) Act dealing with the acceptance of contracts and Section 30(1)(a) relating to the granting of contracts.

I am satisfied that the employment contract as Civil Solicitor in the Department of Justice has no functional connection with your former Cabinet post as Minister of Works, Services and Transportation in which you served from February 12th, 1992, to May 1993. There is also no indication that you had substantial personal involvement in Civil Solicitor activities of the Department of Justice as the former Minister of another Department. It would, therefore, appear that the circumstances of the proposed contract offer do not fit within any of the prohibitions contained in Section 30(3) of the House of Assembly (Amendment) Act.

I have also considered the appropriateness of the Director of the Civil Law Division making you an offer given the prohibitions under Section 30(1). In my view, a waiver is required to be obtained by you under Section 31. You believe that the Public Service Commission competition leading to the offer of a contract

to you by the Department of Justice is similar to a public tender process contemplated under Section 30 subsection (2) of the House of Assembly (Amendment) Act. However, the plain wording of that subsection does not specifically refer to Public Service Commission competitions but rather only to public tender.

However, I have concluded that the underlying spirit of subsection (2) of Section 30 should form the basis for the granting by me of a waiver to you pursuant to Section 31 of the House of Assembly (Amendment) Act. A further consideration is the fact that none of the prohibitions contained in subsection (3) of Section 30 of that Act are involved in your case.

Finally, a further reason for favourable consideration of your request for a waiver is the fact that it would appear pursuant to Section 31 of the House of Assembly (Amendment) Act that it is in the public interest to permit the Department of Justice to avail of your services by virtue of the fact that you have pre-political work experience as a legal practitioner in the private sector.

To refuse to grant the waiver you are seeking would, in my view be an unfair penalty for a person such as yourself who has served in public office and now could be prohibited from using work experience gained prior to holding elected office from securing gainful employment.

For the foregoing reasons, I am granting a waiver contemplated by Section 31 permitting the proposed contract between the Department of Justice and yourself.

Yours sincerely,

D. Wayne Mitchell

D. Wayne Mitchell
Commissioner

cc Mr. John McCarthy,
cc Public Access File,

APPENDIX C

Leader of Opposition Referral

November 29, 1993

Newfoundland & Labrador

OFFICE
OF
THE CHIEF ELECTORAL OFFICER

37 Hallett Crescent
O'Leary Industrial Park
St. John's, Nfld., A1B 4C4
Telephone: (709) 729-0712
Fax: (709) 729-0679

November 29th, 1993

Honourable Paul Dicks
Speaker
House of Assembly
Main Floor, East Block
Confederation Building
St. John's, Newfoundland

Dear Speaker:

On November 19, 1993 the Leader of the Opposition requested that an inquiry be initiated pursuant to Section 42(1) of The House of Assembly (Amendment) Act, Chapter 1 of the Statutes of Newfoundland 1993 into:

1. the nature and extent of Minister Robert's and Minister Furey's interest in Fortis Inc.;

2. whether any Minister declared interests that have not been publicly disclosed, in Fortis Inc. or any of its subsidiaries, directly or through blind trust or other arrangement;

3. whether any Minister holds any assets or interests in a blind trust or other arrangement that was not disclosed in the Minister's declaration of private interests to the Commissioner.

The grounds set out in the referral from the Leader of the Opposition do not allege that any Member of the House of Assembly has contravened the Act. Therefore, there is insufficient basis to conduct an inquiry as contemplated under Section 42.

The questions posed by the Leader of the Opposition seek clarification of the Public Disclosure Statements released by this Office on November 19, 1993. As these are the first Statements available under the new legislation, I feel it is desirable to respond to the questions referred so as to instill credibility in the overall disclosure process.

1. **Nature and Extent of Roberts/Furey Fortis Inc. Interests**

Section 37 prohibits me from referencing the amount or value of a private interest except in a qualified fashion within the Public Disclosure Statement. I can report, however, that the Fortis Inc. common shares that were previously held by Minister Roberts as part of his self-directed Registered Retirement Savings diversified portfolio and those common shares held by Minister Furey's spouse in her diversified investment portfolio are negligible compared to the more than 10 million common shares of Fortis Inc. that have been issued.

Section 33 requires Ministers to disclose private interests that are not excluded under Section 20, when considering a relevant matter in Cabinet and to withdraw from further consideration, if there is a conflict. It is my understanding that Minister Roberts made disclosure to the Premier upon entering Cabinet and that Minister Furey disclosed his spouse's interest in Fortis Inc. as soon as they became known in preparing the Public Disclosure Statement. In my view, this disclosure represents compliance with the spirit of the Act as there is transparency in the existence of these Ministers' private interests which can lead to their withdrawing from Cabinet consideration when the nature of the discussion warrants.

2. **Blind Trust or Other Disclosure in Fortis Inc. or Subsidiaries**

Premier Wells and his spouse have reported assets which are not required to be publicly disclosed under Section 20. I can report, however, that any assets which may involve shares in publicly traded corporations are under blind trust management. The Public Disclosure Statement for Minister Furey specifically references that his investment portfolio is in a blind trust with a St. John's Investment Firm.

The blind trust arrangements in both these cases have been independently verified by me. I have been assured that there is no knowledge communicated by the Trustee of any individual investments within the blind trust. Therefore, the Premier has no knowledge whether shares are held in Fortis Inc. through his blind trust. Aside from inadvertent reporting at the inception of Minister Furey's blind trust, he has no knowledge of publicly traded share transactions in his blind trust.

It is my view that by voluntarily placing their interests in a blind trust the Premier and Minister Furey have taken reasonable steps to avoid a conflict. Section 38(2) provides for private interests to be placed in trusts as one means for Members to fulfil their obligations under the conflict of interest provisions. I would point out also that trust arrangements are an accepted tool in ensuring compliance under conflict of interest rules elsewhere.

The only references to Fortis Inc. subsidiaries in the disclosures of Cabinet Members are a nominal shareholding by one Minister in Newfoundland Light and Power and deposits which two Ministers/families have with Fortis Trust Corporation in the form of Guaranteed Investment Certificates. These private interests were excluded from public disclosure pursuant to Section 20(a)(i) and 20(a)(v) respectively and present no potential for conflict of interest.

3. **Extent of Full Disclosure to the Commissioner**

The disclosure forms that were filed with me by the reporting deadline of August 30, 1993 contain a written certification by all Members that there is accurate and full disclosure of all private interests. Furthermore, Members have been apprised of the requirement to update their initial disclosure to account for material changes within sixty days of such occurrences. Therefore, as far as I am aware adequate disclosure has been made to me and the Public Disclosure Statements contain those private interests as are required to be publicly released under the Act.

As a result of the referral by the Leader of the Opposition there are several administrative matters that this Office will be pursuing in relation to standards for applying the Act. These include: developing a threshold for qualifying Members private interests in Public Disclosure Statements; assembling common criteria to be incorporated in Blind Trust Agreements; and pursuing arrangements for formal communication with this Office of Members withdrawing from consideration of matters that may further private interests.

Section 44 of the Act requires that my opinions with respect to referrals from any Member of the House of Assembly be communicated to the Speaker. Accordingly, I would be grateful if you would arrange for a copy of this response to the November 19, 1993 referral of the Leader of the Opposition to be transmitted

concurrently to Mr. Simms, the Premier and the Leader of the New Democratic Party as well as Minister Roberts and Minister Furey who are referenced in this response.

It is my practice to place on the public register of this Office determinations made in writing. A copy of this letter will, therefore, be made available at noon on November 30, 1993 for anyone who wishes access.

Respectfully yours,

D. Wayne Mitchell
Commissioner

APPENDIX D

OVERVIEW OF CONFLICT OF INTEREST LEGISLATION FOR MEMBERS OF THE HOUSE OF ASSEMBLY

COMMISSIONER OF MEMBERS' INTERESTS
HOUSE OF ASSEMBLY

NOVEMBER, 1993

PREFACE

This brochure is designed to inform the public of the major features of Conflict of Interest, Part II of the House of Assembly Act that deals with M.H.A.'s and their families. The Act itself takes precedence over statements in this brochure and as such persons acting under the authority of the legislation should refer to the Statute for guidance.

For further information on the application of Conflict of Interest, Part II of the House of Assembly Act, please contact:

Commissioner of Members' Interests
37 Hallett Crescent
O'Leary Industrial Park
St. John's, Newfoundland
A1B 4C4
Telephone Number: 729-0712
Fax Number: 729-0679

D. Wayne Mitchell
Commissioner

INTRODUCTION

On March 25, 1993 An Act To Amend The House of Assembly Act was given Royal Assent. This Act introduced new conflict of interest provisions for all Members of the House of Assembly that replaced The Conflict of Interest (Ministers) Guidelines, 1982. The legislation which was proclaimed into force on June 1, 1993 establishes a conflict of interest framework that:

- sets standards to govern Members and Ministers conduct in their official duties that will preclude the furthering of private interests for themselves and their families;
- appoints an Officer of the House of Assembly as Commissioner of Members' Interests to administer the legislation and adjudicate Members' compliance with the Act;
- requires Members to report annually to the Commissioner all private interests of themselves and their families;
- entails public disclosure of defined private interests or those which the Commissioner considers appropriate;
- creates a process for the Commissioner to assess matters referred by Members, the House of Assembly, or the Premier which may include the conduct of inquiries under the Public Inquiries Act;
- contains penalties for contravention of the conflict of interest provisions to be recommended by the Commissioner and decided upon by Resolution of the House of Assembly;
- stipulates annual reporting to the House of Assembly on the operation of the Commissioner's Office.

STANDARD OF CONDUCT FOR MEMBERS

Part II of the Act places the onus on Members to respect various prohibitions in order to prevent conflict of interest situations from arising. These include:

- Members shall not participate in making decisions as part of their public office or use their office to influence other people to make decisions that could further the private interests of themselves and their families. This does not apply to decisions affecting: the general public; a Member as one of a broad class of the public; and Members remuneration;
- Members shall not use confidential information acquired in their public office to further the private interests of themselves and their families or to benefit another person;
- Members shall not accept fees, gifts or personal benefits for the performance of their duties. This does not apply to travel reimbursement in performing services in the public interest as long as the value and source of the payment is reported immediately to the Commissioner and publically disclosed. Similarly, the prohibition does not cover social or protocol rewards but such benefits valued more than $500 in any occurrence or in aggregate from one source in a year must be reported immediately to the Commissioner and publically disclosed;

- Following consultation with the Commissioner, Members may be required to withdraw from outside employment, professional practice, business or office holdings if such activities cannot be reconciled with Members' obligations;
- Members shall not dispose of private interests for the purpose of evading conflict of interest requirements;
- Members or companies in which Members' families have a 10% interest shall not contract with the Provincial Government if the value of the benefit from any single contract or in aggregate from all contracts in a calendar year is $10,000 or greater. This prohibition does not apply to contracts that are:
  - publically tendered or meet emergency or single source tendering exceptions criteria;
  - extensions of contracts awarded prior to the Member's election;
  - the result of inheritance, marriage or trusteeship if the period of devolution is less than 12 months;
  - personal services provided by the Member's family for an independent contractor;
  - reimbursement for expenses on government business;
  - entitlements available under an Act to Members or their families as part of the general public or a broad class of the public;
  - entered into without a person exercising discretion;
  - awarded to corporations in which Members or their families have an interest if the circumstances of the shareholding are satisfactory to the Commissioner;
- Members who reasonably ought to know that a decision would further private interests of themselves or families as defined in the Act shall disclose before the House of Assembly or House Committee that there is a possibility of conflict and withdraw from consideration of the matter.

ADDITIONAL STANDARD OF CONDUCT FOR MINISTERS

Members who serve in the Cabinet or are appointed Parliamentary Assistants or Parliamentary Secretaries as well as non-elected persons appointed to such posts must follow additional requirements. These include:

- Ministers shall withdraw from outside employment, professional practice, business or office holdings within sixty days of appointment unless such activities are not likely to interfere with their Ministerial duties;
- Ministers shall not be influenced in their duties by plans or offers of future employment;
- For a period of one year after leaving Cabinet, Ministers require a waiver from the Commissioner before receiving contracts or benefits from the Province and participating in giving paid advice to others on matters over which the former Minister acted while in office and where Government remains a party;

- Ministers who reasonably ought to know that a decision would further private interests of themselves or their families as defined in the Act shall disclose in Cabinet that there is a possibility of conflict and withdraw from consideration of the matter. Similarly, where the exercise of Ministerial decisions could further the private interests of the Minister and family as defined in the Act another Minister is to act.

COMMISSIONER OF MEMBERS' INTERESTS

A Commissioner of Members' Interests was appointed with the passage of the House of Assembly (Amendment) Act, 1993 by Resolution based on a motion of the Premier following consultation with Leaders of other Parties in the House. The Commissioner serves as an Officer of the House of Assembly for a five year term under good behaviour and may be reappointed. The Commissioner may be removed for cause on the recommendation of the House of Assembly.

PRIVATE INTERESTS DISCLOSURE OF MEMBERS OF THE HOUSE OF ASSEMBLY TO THE COMMISSIONER

Part II of the Act obliges Members to disclose to the Commissioner within sixty days of their election and before April 1 in each year thereafter a full statement of the private interests of themselves and their families including audited financial statements of businesses in which they hold more than a 10% interest. In addition to annual filings, material changes in private interests are to be reported to the Commissioner within sixty days of their occurrence. Private interests are defined in the Act as:

- an asset, liability or financial interest;
- a source of income from employment, personal services contracts, business or a profession;
- corporate or association officer positions;
- Federal, Provincial and Municipal Agency involvement;
- Federal and Provincial employment and associated Crown Agency appointments.

Disclosure is made on forms authorized by the Lieutenant-Governor in Council and the information supplied to the Commissioner is classified as privileged. The Commissioner reviews the private disclosure forms and where necessary meets with the Member to ensure that there is adequate disclosure. Once the Commissioner is satisfied that all disclosure obligations are met a certificate may be issued to this effect if requested by any Member.

Private disclosure forms remain in the possession of the Commissioner for twelve months after a Member ceases to hold office. The forms are then destroyed unless they are relevant to a Criminal Code Inquiry.

PUBLIC DISCLOSURE STATEMENT OF MEMBERS OF THE HOUSE OF ASSEMBLY

A Public Disclosure Statement is to be made available at the Office of the Commissioner of Members' Interests containing Members and families private interests, which can be inspected during normal business hours. The Statement on the public record contains only those private interests reported to the Commissioner that are specified under the definitions Section of the Act or that the Commissioner determines appropriate. Private interest values are not disclosed in the Public Disclosure Statement but they may be qualified as nominal, significant or controlling at the discretion of the Commissioner.

COMMISSIONER OPINIONS, ADVICE AND INQUIRIES

The Commissioner may be called on to give advice to individual Members with respect to matters they refer in writing about their own obligations. The written opinion of the Commissioner is released to the Premier in the case of Ministers but is otherwise only released with the Member's consent.

The Commissioner also has a duty to inquire into:

- written allegations of Members concerning non-compliance of other Members;
- matters contained in Resolutions of the House of Assembly;
- referrals by the Premier in relation to Ministers;
- other circumstances as the Commissioner considers advisable.

An Inquiry Report must be completed within ninety (90) days of commencement and made to the Speaker in the case of Members or the Premier if it pertains to Ministers.

PENALTIES FOR CONTRAVENTION OF THE ACT

A determination by the Commissioner that a Member has not fulfilled the obligations imposed by the Act could produce recommendations for:

- the Member to be reprimanded;
- the Member to pay restitution;
- the Member to be suspended from the House of Assembly for a specified period with or without pay; or
- the Member's seat to be vacated.

Any penalty recommended by the Commissioner must be tabled by the Speaker in the House of Assembly and concurred in by Resolution before any action is taken.

ANNUAL REPORT TO THE HOUSE OF ASSEMBLY

A report is to be made annually by the Commissioner to the Speaker of the House of Assembly on the operation of the Office which may also contain summaries of Commissioner determinations made as long as they do not identify individuals. The Annual Report is tabled in the House of Assembly within fifteen days of its receipt if the House is then in Session or within fifteen days after commencement of the next Session.

PRIVILEGED

APPENDIX E

ANNUAL DISCLOSURE OF M.H.A. PRIVATE INTERESTS TO THE COMMISSIONER OF MEMBERS' INTERESTS

1994-95

Printed Pursuant To Regulations Made Under Sections 26, 36 And 49 Of The House Of Assembly Act

INSTRUCTIONS

FOR

COMPLETING PRIVATE INTERESTS DISCLOSURE

CERTIFICATION - PAGE 1:

- Complete the certification document at the time of making the initial disclosure of private interests and again when filing annual statements.

- Print on the first line space provided **Member's Name exactly as you would like it to appear on Public Documents.**

- Affix in the spaces provided at the end of the certification document **Member's Signature** and the **Date of Signing.**

IDENTIFICATION - PAGE 2:

- Update identification information contained in initial or annual filings whenever circumstances change by notifying the Commissioner in writing.

- Provide **Member's Full Name** and give **Home and Office Address** by: **Street Number; Post Office Box; City or Town; Postal Code; Telephone; and Fax,** if applicable.

- List married or conjugal **Spouse** by: **Name, Home Address, Telephone and Fax.**

- List **Children** under the age of nineteen by **Name** and give **Birth Dates.**

- List **Dependent Relatives** living as part of Member's household and relying on Member/Spouse for financial support by **Name** and give **Address** if temporarily residing elsewhere.

ASSETS - PAGE 3 AND PAGE 4

- When listing any assets on either page, enter **Member's Name** on the line provided at the top of the respective page and insert **Date of Disclosure** inside the (brackets) within the Heading on that page.

- Denote at the beginning of each line ownership of assets by **(M)** for Member; **(S)** for Spouse; **(J)** for Joint; **(C)** for Minor Child; and **(R)** for Dependent Relative.

INSTRUCTIONS - CONTINUED

- List Real Property by denoting on separate lines **Principle Residence, Secondary Residence, Recreational Property, Rental Property** or **Business Property** and giving for each the **Street/Community** location and estimated **Value.**

- List **Personal Property with Potential for Conflict.** Property used for transportation, household, educational, recreational, social or aesthetic purposes would not normally be included in this category.

- List Financial Deposits by denoting on separate lines: **Name of Bank, Trust Company or Credit Union** and giving approximate **Account Balances** in each.

- List Guaranteed Investment Certificates /Term Deposits by denoting on separate lines: **Name of Bank, Trust Company** or **Credit Union** and giving approximate **Values** in each.

- List Fixed Value Securities of Government/Crown Agencies by denoting on separate lines: the **Name of Government** or **Crown Agency** issuing bonds and giving approximate **Values** in each.

- List Registered Retirement Savings Plans by denoting on separate lines **Name of Financial Institution** and stating **Self-Directed** if individual investments within the Plan are selected by Member/Family and giving approximate **Value of Each Plan.**

- List Mutual Funds or Blind Trusts by denoting on separate lines **Fund Manager and/or Trustee Name** and giving approximate **Values** in each.

- List Pension Rights or Annuities by denoting on separate lines **Name of Pension Plan** and giving approximate **Value only if income is being received** from any Plan at the time of disclosure. Also, list Insurances that have a cash surrender value after a specified period by denoting on separate lines **Insurance Company Name** and giving approximate **Value of Payment to Person Insured.**

- List on the lines provided **Bequests/Inheritance** acquired over a twelve month period by **Source** and approximate **Value** and list **Name of Any Person** for whom you act as **Trustee, Executor or Administrator.**

- List under Other Assets any significant interests which do not fit conveniently within the asset categories referenced on Pages 3 and 4.

LIABILITIES - PAGE 5

- When listing any liabilities on this page, enter **Member's Name** on the line provided at the top of the page and insert **Date of Disclosure** inside the (brackets) within the Heading on the page.

INSTRUCTIONS - CONTINUED

- Denote at the beginning of each line the person incurring liabilities by **(M)** for Member; **(S)** for Spouse; **(J)** for Joint; **(C)** for Minor Child; and **(R)** for Dependent Relative.

- List Mortgages by denoting on separate lines **Name of Lender** and describing purpose of mortgage as **Principal Residence, Secondary Residence, Recreational Property, Rental Property** or **Business Property** as well as giving approximate **Amount Outstanding.**

- List Loans by denoting on separate lines **Name of Lender** and describing general purpose such as **Household, Automobile, Consolidation** or **Business** as well as giving approximate **Amount Outstanding.**

- List Guarantees by denoting on separate lines **Name of Lender** and identifying **Person for Whom Guarantee Provided** as well as giving **Amount of Guarantee.**

- List Credit Lines with balances outstanding for more than three months by denoting on separate lines **Name of Lender** and describing **General Purpose of Credit** as well as giving **Balance Owing Over Three Months.**

- List Credit Cards with balances outstanding for more than three months by denoting on separate lines **Name of Credit Card Company** and giving approximate **Balance Owing Over Three Months.**

- List Unpaid Taxes by denoting on separate lines **Government Name/Tax Source** and giving **Period For Which Tax Is Owed** as well as **Amount Outstanding** with a further notation if **Formal Appeal Initiated.**

- List under Other Liabilities any significant interests which do not fit conveniently within the liability categories referenced on Page 5.

FINANCIAL INTERESTS - PAGE 6

- When listing any financial interests on this page, enter **Member's Name** on the line provided at the top of the page and insert **Date of Disclosure** inside the (brackets) within the Heading on the page.

- Denote at the beginning of each line the holder of financial interests by **(M)** for Member; **(S)** for Spouse; **(C)** for Minor Child; and **(R)** for Dependent Relative.

- List all Business Holdings by denoting on separate lines **Percentage of Ownership** and **Name of Corporation, Partnership or Controlled Subsidiary** as well as **Category of Business Activity** and **Location of Business** with a further notation if the business is likely to receive **Provincial Government/Agency Revenue.**

- List all **Shares** in Publicly Traded Companies that may be held separately or as part of self-directed investment portfolios by denoting **Name of Company Issuing Shares** and giving approximate **Share Value** in each.

- List Corporations/Partnerships/Controlled Subsidiaries where financial statements must be supplied to the Commissioner by virtue of the Member/Family having a 10% or more interest by denoting on separate lines **Name of Company** and giving **Date When Most Recent Statements Prepared.**

INCOME - PAGE 7

- When listing any income on this page, enter **Member's Name** on the line provided at the top of the page and insert **Date of Disclosure** inside the (brackets) within the Heading on the page.

- Denote at the beginning of each line the person deriving income by **(M)** for Member; **(S)** for Spouse; **(C)** for Minor Child; and **(R)** for Dependent Relative.

- List Employment Earnings by denoting on separate lines **Name of Employer** and giving estimate of **Annual Income Including Allowances for M.H.A.'s.**

- List Professional Earnings by denoting on separate lines **Name of Professional Practice** and giving estimate of **Annual Income.**

- List Business Earnings by denoting on separate lines **Name of Company** and giving estimate of **Annual Income.**

- List Personal Services Contracts by denoting on separate lines **Name of Contracting Party** and giving estimate of **Contract Value.**

- List Leaves of Absence by denoting on separate lines **Name of Employer Granting Leave** and giving **Duration of Leave.**

OFFICE HOLDINGS AND ACCEPTANCE OF BENEFITS BY MEMBERS - PAGE 8

- When making any entries on this page, enter **Member's Name** on the line provided at the top of the page and insert **Date of Disclosure** inside the (brackets) within the respective Headings on the page.

- List Corporate Directorships, Executive Posts in Associations or Volunteer Groups and Crown Agency Membership by denoting on the lines provided **(M)** for Member; **(S)** for Spouse; **(C)** for Minor Child and **(R)** for Dependent Relative and giving **Name of Corporation, Association/Voluntary Group or Crown Agency** as well as identifying **Post Held** and **Term of Appointment.**

INSTRUCTIONS - CONTINUED

- Indicate whether the Member is in receipt of protocol gifts/personal benefits over $500 or any travel related reimbursement for services in the public interest by denoting on the appropriate lines the **Date of Filing the Benefits Disclosure Form on Page 12.**

MATERIAL CHANGE REPORTING - PAGES 3A, 4A, 5A, 6A, 7A, AND 8A

- These pages are exact duplicates of private interest categories listed on pages 3 to 8 and are designed to facilitate **recording of material changes within sixty days of their occurrence** or notification of other changes that will update the official record.

- When reporting changes enter **Member's Name** on the line at the top of the respective page and insert **Date of Disclosure** in the (brackets) within the Heading on that page.

- Record on the corresponding lines provided the description of private interests that have materially changed in the format used for initial or annual disclosure.

- Return immediately to the Commissioner **copies** of Pages 3A to 8A where entries have been made, inside an envelope marked **TO BE OPENED ONLY BY COMMISSIONER**

EXPLANATORY NOTES - PAGES 9, 10 AND 11

- These pages are designed to allow Members, if they wish, to elaborate on private interests disclosed in **initial, annual** and **material change** filings or to make other remarks relevant to their reporting obligations under Conflict of Interest, Part II of the House of Assembly Act.

- Remarks entered on these pages pertaining to material changes should be **copied and returned** with the relevant copies of pages 3A, 4A, 5A, 6A, 7A and 8A to which the notes refer.

BENEFITS DISCLOSURE FORM - PAGE 12

- This Form is to be completed and returned to the Commissioner **immediately if the Member receives benefits** referenced under Section 26 of The House of Assembly Act.

- Upon receipt by the Commissioner, the Form is to be filed with the Member's Public Disclosure Statement and made available for public inspection.

CERTIFICATION

I, _____, certify that I have read and understood Part II of the House of Assembly Act, Statutes of Newfoundland and that I shall observe the requirements therein set forth.

My private disclosure statement, to the best of my knowledge, accurately discloses all assets, liabilities, financial interests, and income of myself, my spouse, my minor children, my dependent relatives and all corporations and partnerships, in which any of us, or a combination of us, hold an interest, as required by the Act.

_____

MEMBER

_____

DATE

IDENTIFICATION

MEMBER'S NAME: _____

HOME ADDRESS OF MEMBER: _____

_____

TELEPHONE: _____ FAX: _____

OFFICE ADDRESS OF MEMBER: _____

_____

TELEPHONE: _____ FAX: _____

NAME OF SPOUSE: _____

ADDRESS OF SPOUSE: _____

_____

TELEPHONE: _____ FAX: _____

NAME/BIRTH DATE OF MINOR CHILDREN:

_____

_____

_____

_____

_____

NAME OF DEPENDENT RELATIVE: _____

ADDRESS OF DEPENDENT RELATIVE: _____

_____

_____

_____

PRIVILEGED

PRIVATE INTERESTS DISCLOSURE OF _____

Member (M), Spouse (S), Joint (J), Child (C), Dependent Relative (R)

ASSETS AT ( )

REAL PROPERTY FOR RESIDENTIAL, RECREATIONAL, OTHER PURPOSES:

PERSONAL PROPERTY WITH POTENTIAL FOR CONFLICT:

FINANCIAL INSTITUTION DEPOSITS:

GUARANTEED INVESTMENT CERTIFICATES/TERM DEPOSITS:

FIXED VALUE SECURITIES OF A GOVERNMENT OR CROWN AGENCY:

PRIVILEGED

PRIVATE INTERESTS DISCLOSURE OF _____

_____

Member (M), Spouse (S), Joint (J), Child (C), Dependent Relative (R)
ASSETS UPDATED ( )

REAL PROPERTY FOR RESIDENTIAL, RECREATIONAL, OTHER PURPOSES:

PERSONAL PROPERTY WITH POTENTIAL FOR CONFLICT:

FINANCIAL INSTITUTION DEPOSITS:

GUARANTEED INVESTMENT CERTIFICATES/TERM DEPOSITS:

FIXED VALUE SECURITIES OF A GOVERNMENT OR CROWN AGENCY:

PRIVILEGED

PRIVATE INTERESTS DISCLOSURE OF _____

Member (M), Spouse (S), Joint (J), Child (C), Dependent Relative (R)
ASSETS AT ( )

REGISTERED RETIREMENT SAVINGS PLANS:

MUTUAL FUNDS OR BLIND TRUSTS:

PENSION RIGHTS, ANNUITIES, CASH SURRENDER VALUE INSURANCES:

BEQUESTS/INHERITANCE/TRUSTEESHIP:

OTHER SIGNIFICANT ASSETS:

PRIVILEGED

PRIVATE INTERESTS DISCLOSURE OF _____

Member (M), Spouse (S), Joint (J), Child (C), Dependent Relative (R)
ASSETS UPDATED ( )

REGISTERED RETIREMENT SAVINGS PLANS:

MUTUAL FUNDS OR BLIND TRUSTS:

PENSION RIGHTS, ANNUITIES, CASH SURRENDER VALUE INSURANCES:

BEQUESTS/INHERITANCE/TRUSTEESHIP:

OTHER SIGNIFICANT ASSETS:

PRIVILEGED

PRIVATE INTERESTS DISCLOSURE OF _____

Member (M), Spouse (S), Joint (J), Child (C), Dependent Relative (R)
LIABILITIES AT ( )

MORTGAGES:

LOANS:

GUARANTEES:

CREDIT LINE OUTSTANDING OVER THREE MONTHS:

CREDIT CARD BALANCES OVER THREE MONTHS:

UNPAID TAXES:

OTHER SIGNIFICANT LIABILITIES:

PRIVILEGED

PRIVATE INTERESTS DISCLOSURE OF _____

Member (M), Spouse (S), Joint (J), Child (C), Dependent Relative (R)
LIABILITIES UPDATED ( )

MORTGAGES:

LOANS:

GUARANTEES:

CREDIT LINE OUTSTANDING OVER THREE MONTHS:

CREDIT CARD BALANCES OVER THREE MONTHS:

UNPAID TAXES:

OTHER SIGNIFICANT LIABILITIES:

PRIVILEGED

PRIVATE INTERESTS DISCLOSURE OF _____

Member (M), Spouse (S), Child (C), Dependent Relative (R)
FINANCIAL INTERESTS AT ( )

CORPORATIONS, PARTNERSHIPS AND OTHER BUSINESS HOLDINGS:

SHARES IN PUBLICLY TRADED CORPORATIONS:

FINANCIAL STATEMENTS OF CORPORATIONS/PARTNERSHIPS AND CONTROLLED SUBSIDIARIES WHERE MEMBER/FAMILY HOLD 10% INTEREST:

PRIVILEGED

PRIVATE INTERESTS DISCLOSURE OF _____

Member (M), Spouse (S), Child (C), Dependent Relative (R)
FINANCIAL INTERESTS UPDATED ( )

CORPORATIONS, PARTNERSHIPS AND OTHER BUSINESS HOLDINGS:

SHARES IN PUBLICLY TRADED CORPORATIONS:

FINANCIAL STATEMENTS OF CORPORATIONS/PARTNERSHIPS AND CONTROLLED SUBSIDIARIES WHERE MEMBER/FAMILY HOLD 10% INTEREST:

PRIVILEGED

PRIVATE INTERESTS DISCLOSURE OF _____

Member (M), Spouse (S), Child (C), Dependent Relative (R)
INCOME AT ( )

EMPLOYMENT EARNINGS:

PROFESSIONAL INCOME:

BUSINESS INCOME:

PERSONAL SERVICES CONTRACTS:

LEAVE OF ABSENCE FROM ANY EMPLOYMENT:

PRIVILEGED

PRIVATE INTERESTS DISCLOSURE OF _____

_____

Member (M), Spouse (S), Child (C), Dependent Relative (R)
INCOME UPDATED ( )

EMPLOYMENT EARNINGS:

PROFESSIONAL INCOME:

BUSINESS INCOME:

PERSONAL SERVICES CONTRACTS:

LEAVE OF ABSENCE FROM ANY EMPLOYMENT:

PRIVILEGED

PRIVATE INTERESTS DISCLOSURE OF _____

Member (M), Spouse (S), Child (C), Dependent Relative (R)
OFFICE HOLDINGS AT ( )

CORPORATE POSTS/DIRECTORSHIPS:

EXECUTIVE POSTS IN ASSOCIATIONS/VOLUNTEER GROUPS:

CROWN AGENCY MEMBERSHIP:

ACCEPTANCE OF BENEFITS BY MEMBERS
( )

PROTOCOL/SOCIAL GIFTS AND PERSONAL BENEFITS:

TRAVEL/ASSOCIATED EXPENSES REIMBURSEMENT:

PRIVILEGED

PRIVATE INTERESTS DISCLOSURE OF _____

Member (M), Spouse (S), Child (C), Dependent Relative (R)
OFFICE HOLDINGS UPDATED ( )

CORPORATE POSTS/DIRECTORSHIPS:

EXECUTIVE POSTS IN ASSOCIATIONS/VOLUNTEER GROUPS:

CROWN AGENCY MEMBERSHIP:

ACCEPTANCE OF BENEFITS BY MEMBERS
( )

PROTOCOL/SOCIAL GIFTS AND PERSONAL BENEFITS:

TRAVEL/ASSOCIATED EXPENSES REIMBURSEMENT:

PRIVILEGED

PRIVATE INTERESTS DISCLOSURE OF _____

EXPLANATORY NOTES

PRIVILEGED

PRIVATE INTERESTS DISCLOSURE OF _____

EXPLANATORY NOTES

PRIVILEGED

PRIVATE INTERESTS DISCLOSURE OF _____

EXPLANATORY NOTES

BENEFITS DISCLOSURE FORM
SECTION 26 OF THE HOUSE OF ASSEMBLY ACT

MEMBER'S STATEMENT OF PROTOCOL/SOCIAL GIFTS OR PERSONAL BENEFITS EXCEEDING $500 IN ONE OCCURRENCE OR IN TOTAL FROM ONE SOURCE IN A TWELVE MONTH PERIOD.

NAME AND ADDRESS OF DIRECT OR INDIRECT CONTRIBUTOR:

_____

_____

DESCRIPTION OF CONTRIBUTION:

_____

_____

VALUE AND DATE OF CONTRIBUTION:

_____

_____

MEMBER'S STATEMENT OF REIMBURSEMENT FOR TRAVEL AND ASSOCIATED EXPENSES INCURRED IN PERFORMING SERVICES IN THE PUBLIC INTEREST:

NAME AND ADDRESS OF DIRECT OR INDIRECT CONTRIBUTOR:

_____

_____

DESCRIPTION OF CONTRIBUTION:

_____

_____

VALUE AND DATE OF CONTRIBUTION:

_____

_____

_____
SIGNATURE OF MEMBER

_____
DATE OF FILING

APPENDIX F

COMMISSIONER OF MEMBERS' INTERESTS BUDGET

1994-1995

COMMISSIONER OF MEMBERS' INTERESTS
BUDGET ESTIMATES 1994-95

SALARIES	$ 25,000
TRANSPORTATION AND COMMUNICATIONS	$ 5,000
PROFESSIONAL SERVICES	$ 25,000
PURCHASED SERVICES	$ 5,000
PROPERTY, FURNITURE & EQUIPMENT	$ 4,000
	$ 64,000